

Minutes

**CHARLOTTE COUNTY CONSTRUCTION INDUSTRY LICENSING BOARD
Administration Center, County Commission Meeting Room #119
18500 Murdock Circle, Port Charlotte, Florida 33948-1094**

December 3, 2020 at 6 pm

Charlotte County Board of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County's functions, including access to and participation in meetings, programs, and activities. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Security Desk, Building A of the Murdock Administration Complex. Anyone needing other reasonable accommodation or auxiliary aids and services please contact our office at 941.743.1381, TDD/TTY 941.743.1234, or by email to David.Lyles@charlottecountyfl.gov.

A. CALL TO ORDER

Chairman Charles Hackbarth calls meeting to order at 6:00PM

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

MEMBERS PRESENT:

Charles Hackbarth
Michael Melton
Robert Overcash
Christopher Knight
Michael Ferrara
Louis Green
Stephen Gardnier

NOT PRESENT:

Edward Toth

Staff Present:

Erin Mullen-Travis, Licensing Manager
Wendy Pacheco, Certified Contractor Licensing Officer
Tom Atkinson, Certified Contractor Licensing Officer
Ryan Maher, Assistant County Attorney
Ben Bailey- Building Official
Kristin Binns, Administrative Assistant
Robert H Berntsson, Board Attorney

D. OPENING STATEMENT

Read by Chairman Charles Hackbarth.

E. NEXT MEETING DATE

January 7, 2021 at 6:00 pm

F. APPROVAL OF MINUTES

Robert Overcash made motion to approve the minutes from November 5, 2020 meeting, Stephen Gardiner seconded the motion, all in favor.

G. SWEARING IN OF ALL THOSE GIVING TESTIMONY

Kristin Binns administered oath to those who gave testimony

H. PUBLIC INPUT-AGENDA ITEMS ONLY

I. AGENDA CHANGES

NONE

J. EXAMINATION

NONE

K. LICENSE REVIEW

1. ROBERT H ELIE

Wendy Pacheco

Mr Elie is requesting a Waiver of Experience & Acceptance of his State Exam

MOTION made by Stephen Gardnier to approve Mr. Elie's request to waive his years of experience and acceptance of his State exam, motion seconded by Michael Melton, Board votes 4 in favor 3 not in favor, motion carries. Request is approved.

L. CONSENT – AFFIDAVITS OF NONCOMPLIANCE FINES

1. EDGAR RUBIO, CIT No. 5059, CIL-20-00756, \$1000

Ken Garcia

2. JUAN RUBIO CIT No. 5061, CIL-20-000757, \$1000

Ken Garcia

3. MARIO I BURCIAGA-SOTO, CIT No. 5060, CIL-20-00755, \$1000

Ken Garcia

MOTION: Michael Melton motioned to accept the fines as stated in the Affidavit of Non-Compliance. Christopher Knight seconded, and motion was passed unanimously.

M. CONTESTING CITATIONS

NONE

N. REINSTATEMENT

1. PATRICK J. LOVE JR.

Tom Atkinson

Loves Air Conditioning and Heating Inc,
Certified Air Conditioning Contractor,
License No. CAC1814942,

Mr Love is requesting to have his permitting privileges and the right to work in Charlotte County reinstated by the Board

Mr Love was not present

Motion: Robert Overcash makes a motion to deny Mr. Love's request to have his permitting privileges and the right to work in Charlotte County reinstated, Stephen Gardiner seconds the motion, all in favor.

O. OLD BUSINESS

NONE

P. DISCIPLINE CASES

1. DREW T WORTHMANN,
The Remodeling Guys,
Certified General Contractor,
License No. CGC1522743
Case No. CIL-19-00448

Wendy Pacheco

Mr. Worthman was not present to provide testimony to the Board, licensing investigator Wendy Pacheco provided testimony the Board.

The Respondent was charged with the following:

CHARGE 1: Florida Building Codes 110.3 and 110.5, adopted by Charlotte County Code 3-2-23: The building official upon notification from the permit holder or his or her agent, shall make the following inspections, and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection. Additionally, it shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code (3 counts).

CHARGE 2: Charlotte County Code 3-2-47(b)(4) - Willful or deliberate disregard and violation of any lawful order of the board, any provisions of Charlotte County Code, chapter 3 2, chapter 3 9, any provisions of any code adopted pursuant to this chapter, or any state law

regulating the construction industry, including Chapter 489 and Part I of Chapter 455 **(3 counts)**.

CHARGE 3: Charlotte County Code 3-2-47(b)(20) Failing to obtain inspections including but not limited to final inspections **(3 counts)**.

Upon consideration, it is **ORDERED**:

That Drew T Worthman's permitting privileges and right to work as a contractor in Charlotte County be **revoked**.

It is further ordered that a copy of this case along with a copy the Board's order be forwarded to the Department of Business and Professional Regulation and Florida Construction Industry Licensing Board (FCILB) with the recommendation the FCILB order Drew Worthmann to renew the permit/s in a timely manner and obtain final inspections as required by the Florida Building Code. It is also recommended if Mr. Worthmann fails to comply, the FCILB order the State Certified General Contractor's License of Mr. Worthmann be revoked by the Florida Construction Industry Licensing Board.

MOTION: Robert Overcash makes motion to approve the staff's recommendation and Drew Worthmann's permitting privileges and right to work as a contractor in Charlotte County be Revoked. Stephen Gardnier seconds the motion, all in favor.

2. **CECIL J HORNER,**
Jerry's Electric of Pt Charlotte Inc
Registered Electrical Contractor,
License No. ER0004531,
Case No. CIL-19-00534

Ken Garcia

Mr. Horner was not present to provide testimony to the Board, licensing investigator Ken Garcia provided testimony the Board.

The Respondent was charged with the following:

CHARGE 1: Florida Building Codes 110.3 and 110.5, adopted by Charlotte County Code 3-2-23: The building official upon notification from the permit holder or his or her agent, shall make the following inspections, and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection. Additionally, it shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code **(3 counts)**.

CHARGE 2: Charlotte County Code 3-2-47(b)(4) - Willful or deliberate disregard and violation of any lawful order of the board, any provisions of Charlotte County Code, chapter 3 2, chapter 3 9, any provisions of any code adopted pursuant to this chapter, or any state law regulating the construction industry, including Chapter 489 and Part I of Chapter 455 (**3 counts**).

CHARGE 3: Charlotte County Code 3-2-47(b)(20) Failing to obtain inspections including but not limited to final inspections (**3 counts**).

Upon consideration, it is **ORDERED**:

That Cecil J Horner's License and right to work as a contractor in Charlotte County be **revoked**.

In accordance with Charlotte County Code 3-2-44 (a-c) and Florida Statute 489.131 (7) (b) the Construction Industry Licensing Board (CILB) is granted authority to **issue fines in the amount of \$1000.00**.

It is further ordered that a copy of this case along with a copy the Board's order be forwarded to the Department of Business and Professional Regulation and Florida FCILB with the recommendation, that the state registration of Cecil J Horner be revoked.

MOTION: Michael Melton makes motion to approve the staff's recommendation and Cecil J Horner's permitting privileges and right to work as a contractor in Charlotte County be Revoked. Robert Overcash seconds the motion, all in favor.

R. REPORT FROM THE LICENSING MANAGER

Erin Mullen-Travis reported to the Board that our department has been very busy, and that a case being worked by Wendy Pacheco led to an arrest of an unlicensed person. Also, she reported that the public needs to be aware of door-to-door sales are on the rise and citizens need to be very careful on who they hire.

S. REPORT FROM THE BUILDING OFFICIAL

Ben Bailey reported that the new codes go into effect 12-31-2020, with new inspections on Stucco, Soffit and Siding.

T. REPORT FROM THE ASSISTANT COUNTY ATTORNEY
NONE

U. BOARD ATTORNEY COMMENTS
NONE

V. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS

2021 Elections held for Chairman and Vice Chairman:

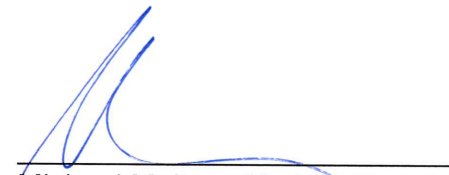
Charles Hackbarth makes a motion to nominate Michael Melton as Chairman, Christopher Knight seconds the motion, all in favor. Christopher Knight makes motion for Charles Hackbarth as Vice Chairman, all in favor.

Michael Melton is elected as Chairman
Charles Hackbarth is elected as Vice Chairman

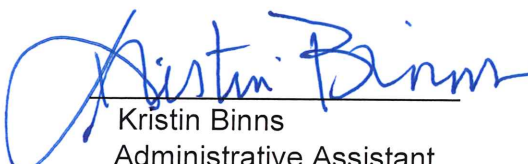
W. ADJOURNMENT

Stephen Gardnier made the motion to adjourn and Christopher Knight seconds the motion and it was approved unanimously at 6:47pm.

CHARLOTTE COUNTY
CONSTRUCTION INDUSTRY LICENSING BOARD
MINUTES OF DECEMBER 3, 2020
READ AND APPROVED ON JANUARY 7, 2021


Michael Melton, Chairman

ATTEST:


Kristin Binns
Administrative Assistant
Community Development Department
Contractor Licensing Division

Complete files of all cases, as well as taped recordings of all proceedings of this meeting, are kept in the Community Development Department and are available to the public.

Any person who decides to appeal a decision of this Board will need a record of the proceedings pertaining thereto, and therefore may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.